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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,891	10/30/2003	Zachary Merlynn Loafman	AUS920030646US1	9224

35525 7590 06/07/2006

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EXAMINER

VY, HUNG T

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,891

Applicant(s)

LOAFMAN ET AL.

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION
Summary of claims

1. Claims 1-13 are pending.

Claims 1-13 are rejected.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/30/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claim 1 is objected to because of the following informalities: in line 5, the phrase "to be" cannot use in the language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 1, 5 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hack et al. (U.S. Pub. 2003/0217355). The applied reference has a common assignee as IBM with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claims 1, 5 and 10, Hack et al. discloses a computer system and a computer program product on a computer readable medium, comprising: a first processor (102) connected as a server; it is inherent that a plurality of client processors connected to communicate with said first processor because on fig. 1, Hact et al. discloses a network adapter (120) to connect to client; a filesystem connected to be accessed from said first processor and said plurality of client processors (See fig. 1); and a set of instructions configured to run on said computer system, wherein when a first portion of said filesystem is found to be corrupt (See paragraph 0013) , said set of instructions are connected to: receive information regarding a location of paid first portion and a perceived corruption (See paragraph 0031), isolate said first portion of said filesystem while leaving other portions of said filesystem available (See paragraph 0030 and 0039), and provide repair for said filesystem (See paragraph 0031).

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-8, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Snyder et al. (U.S. patent No. 6,816,984).

Regarding claim 1, Snyder et al. discloses a computer system and a computer program product on a computer readable medium, comprising: a first processor (21) connected as a server; a plurality of client processors (49) connected to communicate with said first processor (fig. 1); a filesystem connected to be accessed from said first

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processor (21) and said plurality of client processors (49)(See fig. 1); and a set of instructions configured to run on said computer system, wherein when a first portion of said filesystem is found to be corrupt (See column 6, line 53-60), said set of instructions are connected to: receive information regarding a location of said first portion and a perceived corruption (See column 6, line 10-17), isolate said first portion of said filesystem while leaving other portions of said filesystem available (See column 9, line 28-35), and provide repair for said filesystem (See column 9, line 28-35).

With respect to claims 2, 6, and 11, Hack et al. discloses set of instructions receives said information from a scout process (crash handler) that traverses the filesystem looking for corruption (see column 2, line 13-18).

With respect to claims 3, 7 and 12 Hack et al. discloses set of instructions receives information from a thread operating as part of an application program (205)(See fig. 2) and said set of instructions further comprises restoring values (320) recently changed by said thread (See fig. 2) and restarting said thread (See fig. 2 and 3).

With respect to claims 5 and 10, Hack et al. discloses a method of operating a computer system, comprising a step of receiving information regarding a first portion of a filesystem and a detected corruption in said first portion of said filesystem (See column 6, line 53-60); isolating said first portion of said filesystem while leaving other portions of said filesystem available (See column 9, line 28-35), and providing for a repair of said first portion of said filesystem (See column 9, line 28-35).

With respect to claim 5, Hack et al. discloses blocking step uses a lock on said portion of said filesystem (see column 9, line 29-35).

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 9 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Snyder et al. (U.S. patent No. 6,816,984) in view of Draper et al. (U.S. 5,878,434).

With respect to claims 4, 9 and 13, Snyder et al. discloses all the limitations of claimed invention recited in claim 1 except for set instructions uses a lock to block said portion of said filesystems. However, Yeager discloses a lock to block (116) said portion of filesystem (see fig. 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify computer system's Snyder to provided a lock to block said portion of said filesystem in order to support concurrent control, object require a "lock location" where they are locked for read or update for stated purpose has been well known in the art as evidenced by the teaching of Draper et al. (see column 11, line 27-30).

Conclusion

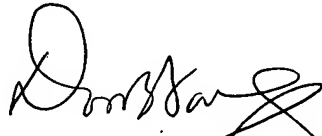
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2163
May 26, 2006.


DON WONG
SUPERVISORY PATENT EXAMINER